

REMARKS

Entry of the foregoing, re-examination and reconsideration of the subject matter identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.116, and in light of the remarks which follow, are respectfully requested. Applicants respectfully request that the present Amendment be entered since it places this application in allowable condition.

A Notice of Appeal was filed October 19, 2005. The present Amendment is in response to issues raised in the Advisory Action mailed October 14, 2005.

In response to the Final Rejection and the Advisory Action, claim 68 has been canceled, without prejudice or disclaimer, and claim 66 has been amended to insert identification of formula II and to delete the words "obtained from a compound" in the second line above formula VI. Claim 70 has been amended to add formula (VI). Claim 67 has been replaced by the correct previously submitted claim. Applicants apologize for submitting an incorrect version of claim 67. Claims 39-47, 52-54, 56-63, 66, 67 and 69-76 remain pending in this application with claims 39-47, 52-54, 56-63 and 69-72 being allowed.

Claims 66-68 and 73-76 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for the reasons given in paragraph 1 of the Office Action. In response thereto, Claim 68 has been canceled and claim 66 has been amended to specify a biuret compound containing an isocyanate group of general formula VI. Claim 66 was also amended to identify formula II as requested by the Examiner. In view of these amendments, it is believed that this rejection has been obviated.

Claims 66, 67 and 73-76 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement for the reasons given in paragraph 2 of the Office Action. Reconsideration and withdrawn of this rejection are requested in view of the above amendments to claim 66 and the following remarks.

Applicants believe the structure of the optional biuret compound in claim 66 is clearly supported by the present disclosure. Claim 66 specifies a biuret containing an isocyanate group of formula VI. Those of ordinary skill in this art would recognize that the carbonyl group in formula VI having an open bond would form a biuret by attachment to a nitrogen atom. If the nitrogen atom was part of the group $-N(R'')R^1-$, then the biurets of formula XII on page 27 of the specification would be formed. Applicants respectfully submit that this is a reasonable interpretation of the language in claim 66 and would be so recognized by those of ordinary skill in this art.

For at least the aforementioned reasons, it is requested that the §112, first paragraph rejection be withdrawn.

Claim 68 was rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,663,274 for the reasons given in paragraphs 4 and 5 of the Office Action. This rejection is moot in view of the cancellation of claim 68.

Claim 68 was provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 44 and 45 of copending Application No. 10/682,412 for the reasons given in paragraph 7 of the office Action. This rejection is moot in light of the cancellation of claim 68.

Claim 70 has been amended to insert formula VI in response to the comment in the attachment to the Advisory Action. The copy of claim 67 submitted in the present Amendment is identical to that submitted in the Amendment filed December 29, 2004 which corrected formulas VIII and XIII. The error is regretted.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at (703) 838-6683 at his earliest convenience.

Respectfully submitted,

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from Burns, Doane, Swecker & Mathis)

Date: December 2, 2005

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